



02-27-08

AF/JFW

PATENT
10/667,680

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--------------------------|---|---------------|-----------------------|
| In re: | HOGAN, Karen |) | Atty. Docket: | 22660-RA |
| Serial No.: | 10/667,680 |) | Examiner: | PRICE JR., Richard T. |
| Filed: | September 22, 2003 |) | Group Art: | 3643 |
| For: | Apparatus and Method For |) | | |
| | <u>Preparing Food</u> |) | | |

February 25, 2008

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief (PTOL-462) mailed February 7, 2008, please find a replacement summary of claimed subject matter section, wherein a summary of each independent claim is provided separately. Please replace non-compliant section V of the previously-filed Appeal Brief with the following replacement section.

Certificate of Express Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Label No. **EM 200637481 US** with adequate postage in an envelope addressed to: Commissioner for Patents, Mail Stop Appeal Brief-Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date:

February 25, 2008

Mollie M. Patrick

Name of Person Mailing

Signature

02-25-2008

Date

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention, as recited in independent claim 1, is a food tenderizing and marinating bag. More specifically, and with reference to Figures 1-3 of the application, and to pages 14-18 of the written description, the food tenderizing and marinating bag **20** includes a plurality of pointed protrusions or tenderizing teeth **40** disposed on an interior surface of bag **20**. Bag **20** is preferably flexible and defines a re-sealable interior pocket for containing one or more food item and a liquid marinade.

Bag **20** may preferably be used to tenderize and/or marinate a food item, such as piece of meat **M**, by sealing the food item, with or without marinade, within bag **20**. Bag **20** may then be struck or pressed, either by hand or using a tool, to drive tenderizing teeth **40** into the food item to tenderize same. Where marinade is used, the tenderizing process preferably further introduces the marinade to the interior of the food item via tenderizing teeth **40**.

As recited in claim 15, the invention is an apparatus for tenderizing and/or marinating meats or other selected food items. More specifically, and with reference to Figures 1-3 and 6 of the application, and to pages 14-18 and 20 of the written description, the apparatus includes bag **20** having a mechanical tenderizing surface **40** or **140**. Similarly, bag **20** may preferably be used to tenderize and/or marinate a food item, such as piece of meat **M**, by sealing the food item, with or without marinade, within bag **20**.

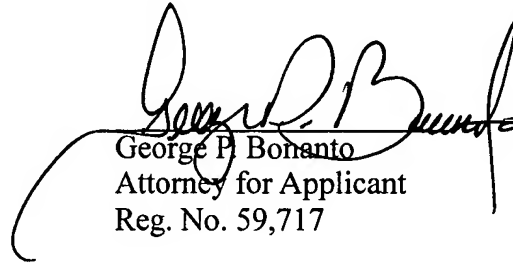
As recited in claim 25, and as described at pages 14-18 of the written description, the invention is a method of tenderizing and/or marinating meats or other food items. More specifically, the method includes the steps of obtaining a bag (such as bag, **20** having

protuberances **40**) having a protuberances disposed on a surface therewithin, placing meat **M** or other food item in the bag, and tenderizing the food item.

CONCLUSION

Please replace the non-compliant summary of claimed subject matter section of the previously-filed Appeal Brief with the foregoing replacement section. If there are any problems or questions regarding the instant response, please contact Applicant's undersigned attorney.

Respectfully submitted this 25th day of February, 2008.



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